



**US Army Corps
of Engineers**

Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435



Public Notice

APPLICATION NO.:	KNG-200401070
EVALUATOR:	Ms. Kaaren Geter
PHONE NO.:	(601) 631-5162
FAX NO.:	(601) 631-5459
E-MAIL:	regulatory@mvk02.usace.army.mil
DATE:	March 23, 2004
EXPIRATION DATE:	April 13, 2004

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District and the Mississippi Department of Environmental Quality are considering an application for a Department of the Army Permit and State Water Quality Certification for the work described herein. Comments should be forwarded to the Vicksburg District, ATTN: CEMVK-OD-F and the Mississippi Department of Environmental Quality at Post Office Box 10385, Jackson, MS 39289-0385, and must reach these offices by the cited expiration date.

Law Requiring a Permit: Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged or fill material into waters of the United States.

Name of Applicant:
Mr. Tim Morris
1209 Park Circle
Clarksdale, Mississippi 38614

Location of Work: Section 26, T28-R4W, latitude °34'16"13.9078 longitude 90°34'30.3036", within the Big Sunflower River drainage basin, Coahoma County, north of Clarksdale, Mississippi.

Description of Work: (See enclosed map and drawings.)

The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant and from a site visit by Corps personnel.

The applicant is applying for a Department of the Army permit to place fill into wetlands. The purpose of the work is for construction of a levee and moat to provide a secure location for a single-family residential site. The moat would also provide private recreational fishing opportunities.

The project site consists of a total of 40.5 acres, a 21-acre pecan orchard, a 16.5-acre site labeled as prior converted, and a 3-acre shrub scrub wetland. The applicant presently mows around the pecan trees in the orchard during the summer and harvests the pecans in the fall. The shrub scrub wetland was designated by NRCS as farmed wetland, but the area has not been farmed in the past 5 years and contains mostly honey locust, black willow, river birch, and buttonbush. The applicant stated that the drainage ditch along the edge of the property has silted in over the years, increasing the amount of water in the pecan orchard, causing the pecan trees closest to the ditch to begin dying off. Jurisdictional wetlands located on the site involve 24 acres, consisting of the pecan orchard and the shrub scrub wetland. Jurisdictional other waters of the United States located on the site involve a 0.218-acre ditch.

The applicant proposes to excavate and inundate an 18-acre portion of the site to build a moat around the outer edges of the site. Approximately 14 acres of the area to be inundated are wetlands. The material excavated from the moat would be placed in the house site area in the center of the property. Approximately 10 acres of the area to be filled for the house site are wetlands. Excavation would take place using a dirt bucket. The house site would be built up approximately 10 feet in the 2 acres at the center of the site. Fill would be placed from the 2 center acres out to the moat at about a 20-degree slope, with the edges around the moat being covered with approximately 3 inches of fill. A bridge and driveway are also planned, in non-jurisdictional areas. The moat would have edges that slope approximately 35 degrees and would be 4 to 6 feet deep along the center line. The applicant proposes to dig a well in order to fill and maintain the water level in the moat. Approximately 90,000 cubic yards of fill material would be used to build up the house site and would be obtained from the material removed from the moat.

The applicant also proposes to excavate approximately 0.218 acre of other waters (existing ditch) and restore it to its original depth and drainage capacity. Excavation would take place using a track-hoe. A levee would be placed between the existing ditch and the moat. The levee is proposed to be 2500' x 30' and would traverse the edge of the pecan orchard and the shrub scrub wetland impacting approximately 1.72 acres of wetland. Approximately 7,000 cubic yards of fill material would be used to build the levee and would be obtained from the material removed from the ditch.

As mitigation, the applicant has proposed to slope the moat so that approximately 4 feet into the moat can be planted with

cypress trees along both sides. He has also discussed placing island areas within the moat to allow for additional vegetation to be planted.

The placement of dredged and/or fill material in waters of the United States associated with the mechanized land clearing and levee construction requires a Department of the Army Permit.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment, and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

State Water Quality Permit: The State Pollution Control Agency must certify that the described work will comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

Cultural Resources: An initial review indicates that the proposed project would not affect any of the sites in Coahoma County listed in the National Register of Historic Places. Copies of this notice have been sent to the State Historic Preservation Officer, Federally Recognized Tribes, the Corps archaeologists, and other interested parties for comment on potential effects to cultural resources that could result from this activity.

Endangered Species: Our initial finding is that the proposed work would not affect any endangered species or their critical habitat. This proposal is being coordinated with the U.S. Fish and Wildlife Service, and any comments regarding endangered species or their critical habitat will be addressed in our evaluation of the described work.

Flood Plain: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements.

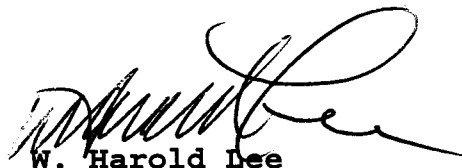
Evaluation Factors: The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest.

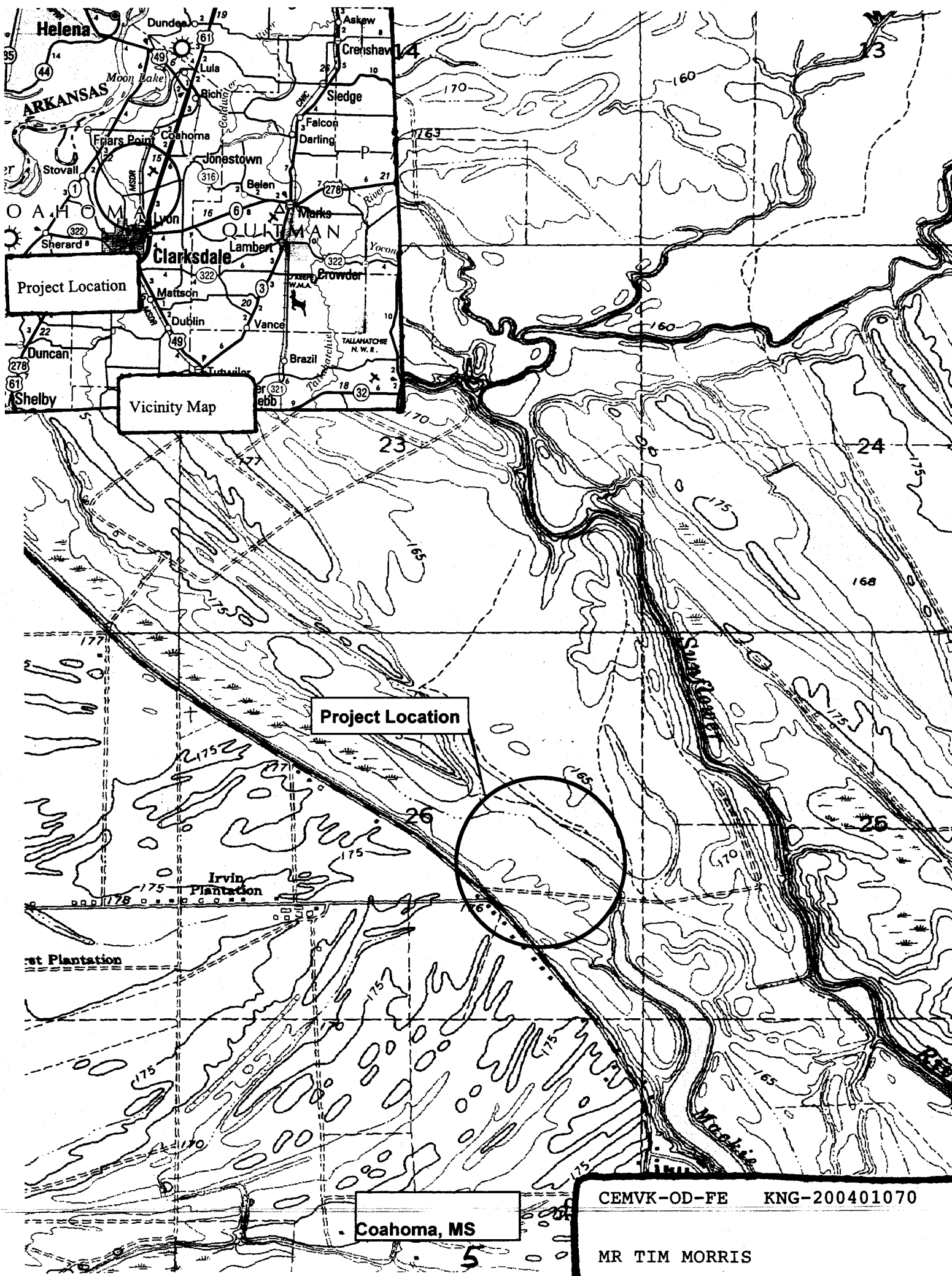
That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may be expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

Public Involvement: The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/offices/od/odf/main.asp>, or go directly to the Final Permit Actions web page at <http://www.mvk.usace.army.mil/offices/od/odf/PubNotice/MonthlyNotice/pnmain.asp>.

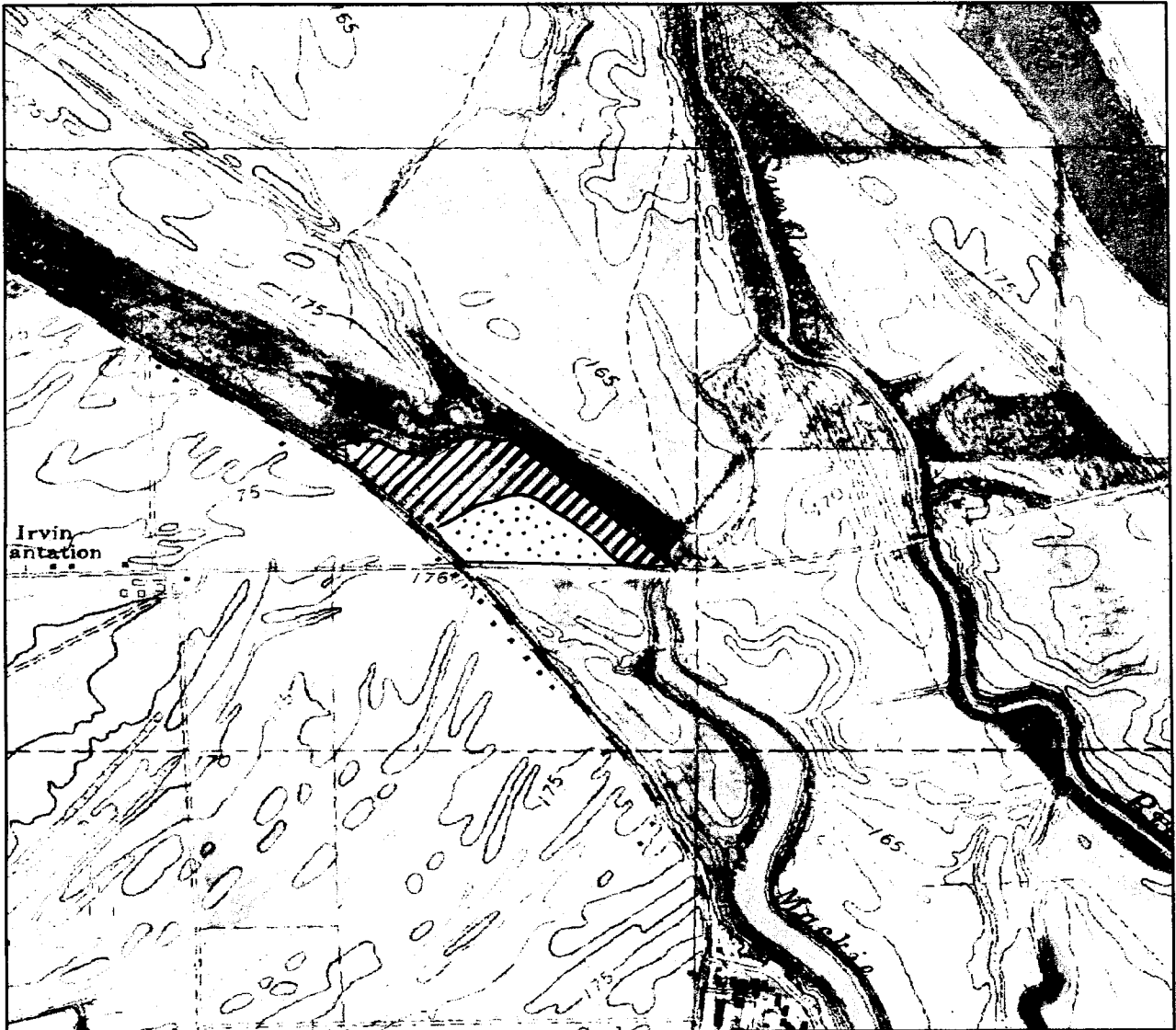

W. Harold Lee
Team Leader
Evaluation Section



CEMVK-OD-FE KNG-200401070

MR TIM MORRIS

**Tim Morris House Site
Coahoma County, Mississippi**



Section 26, T28N/R4W

LEGEND

--- Tributary to Mackey Lake (@ 2375 linear feet)



Wetlands (Pecan orchard and shrub-scrub wetland) @ 24 acres



Prior converted cropland @ 16.5 acres

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MR TIM MORRIS

Tim Morris

Date: 03/04/2004



Legend



- BRIDGE



- DRIVEWAY



- HOOSE SITE



- WATER (CYPRESS TREES WILL BE PLANTED ON WATER EDGES)



- DIKE (MADE FROM SPOIL OF EXISTING DITCH TO BE CLEANED OUT)



- EXISTING DITCH TO BE CLEANED OUT

USDA



CEMVK-OD-FE KNG-20040107

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MR TIM MORRIS